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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,821	07/14/2000	William Carl Slemmer	93-C-007C2RE(1678-28)	6212

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EXAMINER

CUNNINGHAM, TERRY D

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/616,821

Applicant(s)

SLEMMER, WILLIAM CARL

Examiner

Terry D. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 40-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23, 48-55 and 63-67 is/are allowed.
- 6) ☒ Claim(s) 28-33, 40-47 and 57-62 is/are rejected.
- 7) ☒ Claim(s) 24-27 and 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Original Patent***

The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

### ***Drawings***

The drawings are objected to as containing extraneous marks. Appropriate correction is required. Note, Applicant may no longer request that any objection to the drawing(s) be held in abeyance. See 37 C.F.R. § 1.85(a).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28-33, 40-47 and 59-62 are rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. In claims 28-33, 40-47 and 59-62, generation of a fourth current is deemed critical or essential to the practice of the invention, but is not included in the claim(s). An arrangement lacking these features is not enabled by the disclosure since it cannot be understood from the specification how the circuit will operate without such. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). It is noted that only disclosed invention is seen to be a circuit that generates four currents which are summed to provide an output voltage to be detected.

Examiner has considered Applicant's remarks concerning the above rejection. While Examiner agrees that current  $I_A$  and  $I_B$  can be considered as being combined into "a reference current" and that these two current are compared to a "third current" which is viewed as the combination of currents  $I_C$  and  $I_D$ , it is still not seen that there is support for the claim language. The only current seen to be dependent on temperature is  $I_A$ , although the claims recite as many as 3 being dependent on temperature. Applicant states that "referring to equation (3), the current source B causes the transistor T1 to draw a current  $I_B$  that is inversely proportional to temperature". However, there is no term found in equation (3) which deals with temperature. The only significant term is  $V_T$ , however, there is no discussion found in the specification establishing that  $V_T$  is related to temperature. Similarly, contrary to Applicant's statement, there is no terms in equations (4) and (5) that would relate to temperature. Thus, it is not seen that  $I_C$  or  $I_D$  are related to temperature either.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28-33, 40-47 and 59-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 28, there is no support found in the specification for only generating three currents. Further, there is no support found in the specification for "combining" these two currents to create "a reference current".

Claims 29-33 are rejected for the reasons discussed above with claim 28.

In claim 40, there is no support found in the specification for only generating three currents. Further, there is no support found in the specification for “combining” these three currents to create “a reference current”.

Claims 41-44 are rejected for the reasons discussed above with claim 40.

Claim 45 is rejected for similar reasons as claim 40. Also, there is no support found in the specification for the step of “comparing” in line 4. The specification only sets forth combining currents onto a node.

Claims 46 and 47 are rejected for the reasons discussed above with claim 45.

Claims 59-62 are rejected for similar reasons as claims 28-33.

Examiner has considered Applicant’s remarks concerning the above rejection under 35 U.S.C. 112, second paragraph and has not found them to be persuasive for similar reasons as discussed above with the enablement rejection.

### ***Double Patenting***

Claims 24, 25, 26 and 27 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1, 3, 13 and 14, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public

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use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 28-33, 45-47, 57 and 58 are rejected under 35 U.S.C. §102(b) as being anticipated by Ichimaru. Ichimaru discloses, in Fig. 1 a circuit comprising: “generating a first current (with 3)”; “generating a second current (with 5)”; “generating a third current (with Ro)” and “combining the “first, second and third currents (with No)”, all connected and operating similarly as recited by Applicant.

Applicant remarks that “neither Pirez nor Ichimaru discloses comparing a reference current to another current such as a current related to a power-supply voltage”. While this statement may be true, nowhere are these claims seen to recite that the “another current” is “related to a power-supply voltage”.

Claims 59-62 are rejected under 35 U.S.C. §102(b) as being anticipated by Cordell (USPN 4,350,904 - newly cited). Cordell discloses, in Fig. 1, a circuit which will provide a method comprising: “generating a reference current (by current source 30)”; and “comparing (by connecting the collectors of 18 and 20 and 32 and 34 and by providing output circuit 44) and the reference current to a supply-related current (generated by 18)”.

#### ***Allowable Subject Matter***

Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terry Cunningham whose telephone number is (703)308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703)308-4876. The fax phone number for this Group is (703)308-7722. Please note, any faxed paper clearly stating **DRAFT** or **PROPOSED AMENDMENT** at the top will be forwarded directly to the Examiner. All others will be treated as a formal response and acted upon accordingly.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

TC  
November 19, 2001

  
Terry D. Cunningham  
Primary Examiner  
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